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City of Chula Vista

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAMANTHA LOPEZ, a Minor, by and
through her Legal Custodian, LILIANA
CORTEZ, FILADELFO LOPEZ, LAURA
ALONZO LOPEZ, ANNA LOPEZ &
JULIA LOPEZ, as surviving heirs of
DAVID ARNULFO LOPEZ, deceased,

Plaintiffs,

v.

COUNTY OF SAN DIEGO, a municipal
corporation, CITY OF VISTA, a
municipal corporation & DOES 1-50,
inclusive,

Defendants.

AND RELATED CROSS-ACTION.

No. 07CV2028-JLS(WMc)

**NOTICE OF HEARING ON MOTION
AND MOTION TO DISMISS CROSS-
COMPLAINANT'S COMPLAINT
FILED ON BEHALF OF COUNTY OF
SAN DIEGO AND CITY OF VISTA**

[F. Rules Civ. Proc., Rule 12(b)(6)]

Date: September 25, 2008

Time: 1:30 p.m.

Courtroom: 6

The Honorable Janis L. Sammartino

TO CROSS-COMPLAINANT ARACELA GOCOBACHI AND HER ATTORNEYS
OF RECORD:

PLEASE TAKE NOTICE that on September 25, 2008, at 1:30 p.m. or as soon
thereafter as the matter can be heard in courtroom 6, before the Honorable Janis L.
Sammartino, United States District Judge, located at 940 Front Street, San Diego,
California, cross-defendants County of San Diego and City of Vista will, and hereby do

07CV2028-JLS(WMc)

1 move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an
2 order dismissing the cross-complaint with prejudice or, alternatively, the third through
3 fifth claims for relief therein.

4 This motion is made on the grounds that cross-complainant's cross-complaint fails
5 to state a claim upon which relief may be granted.

6 The motion is based on this notice of motion and motion, the accompanying
7 memorandum of points and authorities, the complete files and records in this action, and
8 upon such other and further evidence as may be presented at the hearing of this motion.

9 DATED: JOHN J. SANSONE, County Counsel

10 By s/DAVID G. AXTMANN, Senior Deputy
11 Attorneys for Defendants and Cross-Defendants
County of San Diego and City of Vista
12 E-mail: david.axtmann@sdcounty.ca.gov
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Declaration of Service

I, the undersigned, declare:

That I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On July 29, 2008, I served the following documents: **Notice of Hearing on Motion and Motion to Dismiss Cross-Complainant's Cross-Complaint; Memorandum of Points and Authorities in Support of Motion to Dismiss Cross-Complainant's Cross-Complaint** in the following manner:

- ☐ By personally delivering copies to the person served.
- ☐ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.
- ☐ By faxing a copy to the person served. The document was transmitted by facsimile transmission and the transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.
- ☒ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

Victor Manuel Torres: E-Mail lawforvatos@yahoo.com

Ezekiel E. Cortez: E-Mail lawforjustice@aol.com

Genaro Lara: E-Mail genarolara@att.net, genarolara@aol.com

Emile M. Mullick: E-Mail emullick@yahoo.com

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 29, 2008, at San Diego, California.

By: s/DAVID G. AXTMANN